

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 10, 2008

No. 07-10794
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ROBERT CASTILLO

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:07-CR-5-ALL

Before JONES, Chief Judge, and CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Robert Castillo appeals the 190-month prison sentence imposed after he pleaded guilty to three counts of distributing methamphetamine. Castillo acknowledges that the sentence was within the properly calculated advisory guidelines sentencing range and is presumed to be reasonable. He contends that his sentence was unreasonable because the district court declined to impose a sentence below the guidelines range based on his contention that his criminal history was overstated.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Castillo has not rebutted the presumption of reasonableness because he has not identified any factor under 18 U.S.C. § 3553(a) that was not accounted for by the district court, any factor that the district court should not have considered, or “a clear error of judgment in balancing the sentencing factors.” See *United States v. Nikonova*, 480 F.3d 371, 376 (5th Cir. 2007). Consequently, Castillo cannot show that the district court abused its discretion when it imposed a sentence within the advisory guideline range. See *Gall v. United States*, 128 S. Ct. 586, 594 (2007). The judgment of the district court is AFFIRMED.